



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2010 REGULAR SESSION

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SENATE BILL NO. 131

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THURSDAY, FEBRUARY 18, 2010

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The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED  
DATE April 7, 2010  
10:27 AM  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adair

AN ACT relating to the Department of Juvenile Justice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1        ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO  
2 READ AS FOLLOWS:

3        (1) As used in this section, "juvenile facility" means any facility wherein a juvenile  
4        or other person under the authority of the Department of Juvenile Justice is  
5        confined.

6        (2) KRS 61.870 to 61.884 to the contrary notwithstanding, a person shall not have  
7        access to a record if its disclosure is deemed by the commissioner of the  
8        Department of Juvenile Justice or his or her designee to constitute a threat to the  
9        security of the juvenile, the juvenile facility, or any other person.


10       (3) KRS 61.870 to 61.884 to the contrary notwithstanding, the department shall not  
11       be required to comply with a request for any record from any person confined in  
12       a juvenile facility or any individual on active supervision under the jurisdiction of  
13       the department, unless the request is for a record that contains a specific  
14       reference to the individual making the request.

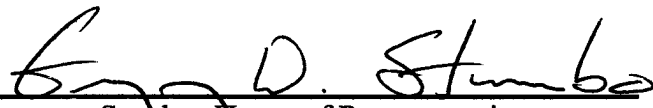
15       (4) KRS 61.870 to 61.884 to the contrary notwithstanding, if a person confined in a  
16       juvenile facility wishes to challenge a denial of a request to inspect a public  
17       record, he or she shall mail or otherwise send the appropriate documents to the  
18       Attorney General within twenty (20) days of the denial pursuant to the procedures  
19       set out in KRS 61.880(2) before an appeal can be filed in a Circuit Court.

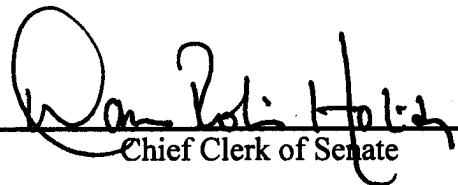
20       (5) KRS 61.870 to 61.884 to the contrary notwithstanding, all records relating to  
21       juvenile detention containing information expunged pursuant to law shall not be  
22       open to the public.

23       (6) KRS 61.870 to 61.884 to the contrary notwithstanding, upon receipt of a request  
24       for a record, the department shall respond to the request within five (5) days after  
25       receipt of the request, excepting Saturdays, Sundays, and legal holidays, and

1        shall state whether the record may be inspected or may not be inspected, or that  
2        the record is unavailable and when the record is expected to be available.  
3        (7) Nothing in this section shall authorize the department to deny any attorney  
4        representing a juvenile access to any record to which the attorney or the juvenile  
5        would otherwise be entitled.

  
\_\_\_\_\_  
President of Senate

  
\_\_\_\_\_  
Speaker-House of Representatives

Attest:   
\_\_\_\_\_  
Chief Clerk of Senate

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_  
April 7, 2010